

Mr P Bond
Strategic Planning
The Castle
Winchester
SO23 8UJ
15th March 2022

Dear Peter

**Planning Application Reference HCC/2021/0787 Proposed
Extraction of Sand and Gravel at Hamble Airfield**

Hamble Parish Council **OBJECTS** to the granting of planning permission for the extraction of sand and gravel from the Hamble Airfield site as proposed by Cemex UK Ltd in their application HCC/2021/7087 – hereafter referred to as ‘the Cemex application’.

Our reasons for this objection are set out below and we expect these to be taken fully into account, specifically and in detail, by the County Council in reaching its regulatory decision.

Background Point - Policy Position

The site at Hamble Airfield was allocated for the extraction of sand and gravel by the adoption of the Hampshire Minerals and Waste Plan (HMWP) in 2013. The County Council provided itself with advice and reports upon which it based that decision and upon which the Inspector who examined the plan had to rely. The allocation was highly contested by the Parish Council, Eastleigh Borough Council and the local community in evidence at every stage of the plan process. The impact of the application on the local highway network was a major issue for consideration.

It is now clear that the highways evidence before the County Council and the Inspector for the purposes of the plan examination and adoption was significantly flawed.

The details contained in Cemex application demonstrate that quarrying of the site could never have taken place on the basis on the basis of the

60 HGV movements per day required to service the site that were considered in evidence by the HMWP process. The Cemex application seeks permission based on 144 HGV movements (during the years of greatest activity) plus an unspecified number of movements of cars and other site vehicles - over 2.5 times the figure assumed by the HMWP. Nothing about the site or the proposed circumstances of operation have changed in the intervening period to explain this very significant increase in numbers.

The figure of 60 HGV movements per day derives from the Strategic Transport and Traffic Assessment commissioned in evidence for the HMWP and was confirmed as accurate by Cemex UK via the evidence report submitted on its behalf by Mayer Brown Ltd in 2012¹. The Cemex application contains no explanation as to why the information it supplied to the HMWP process was so different to that which it now provides. Had a more accurate figure been available to the County Council, to the Inspector and to interested parties at the time it is entirely possible that they would have taken a different view about the relative merits of this site when contrasted with other options which were then available.

Although we accept that it is too late to challenge the existence of the allocation in the HMWP, in accordance with Para 3.5 of the supporting text to Policy 1 of the HMWP we consider that the weight given to that policy when making a planning judgement about the Cemex application should be significantly reduced because the evidence on which it was based was incorrect to a material degree.

Reason for Objection 1 - Traffic Impact

The Cemex application would create a severe impact on the local road network which is unacceptable and contrary to policies in the HMWP and the National Planning Policy Framework (NPPF).

The application proposes that between Yr3 and Yr7 (5 years in total) at least 144 HGV movements will be required every day to remove extracted material and deliver in-fill material for restoration processes.

¹ 'Proposed Mineral Extraction at Hamble Airfield Access Review' Mayer Brown May 2012

Based on information contained in the Transport Assessment (TA) at least 43% of these movements will take place during the period between 7.00am and 10.00am when Hamble Lane is at its busiest, including the AM Peak Period. Cemex have told the Parish Council that this is unavoidable due to the demands of the market for 'just in time' delivery to local sites. It has proposed no controls on these numbers or the way they are spread out and made clear that it is necessary to the commercial viability of the operation that they will be focussed on this short morning period.

In addition, the TA acknowledges that there will be vehicle movements relating to site staff, managerial visits, regulatory activity and maintenance but does not account for them anywhere in its TA. 20 car parking spaces are proposed on the site but no movements to and from those spaces appear in the TA.

The local planning authority has received over 1000 objections (so far) from residents, businesses and local service providers, a high percentage of which raise the issue of traffic congestion and concerns about the impact of a new junction on Hamble Lane. The number of objections alone is not of course a material consideration, but the inconvenience, delay and business interruption attested by these objections is a material consideration. Objectors include the Hampshire Constabulary and Police Commissioner, Hamble College (secondary school), Hamble Primary School and Blackthorne GP surgery. These objections are founded in the experience of local people in making use of the only road which gives them access to and from the Hamble peninsula. These concerns about the impact of development on Hamble Lane are of a fundamentally different type to those of road users who can choose between routes and may suffer minor inconvenience from additional development. Inevitably, HGVs accessing the proposed site will themselves become caught up in the very traffic congestion to which they contribute, further compounding the problem, and causing peak spreading.

The Parish Council expects these well-founded local concerns to be taken fully into account, but its own highways objection focuses on the

shortcomings of the applicant's TA and the pre-existing condition of the local road network.

Current Position on Hamble Lane

Hampshire County Council, in its capacity as highway authority ('the highway authority') has taken a series of decisions which confirm the experience of residents and businesses that Hamble Lane is already a severely congested route with insufficient capacity on several key junctions. In response to this the highway authority has designed and consulted upon a Hamble Lane Improvement Scheme (HLIS) which it considers necessary to implement in order to maintain reasonable access to and from the Hamble Peninsula.

In a report to the Executive Member for Environment and Economy on 14 November 2017 seeking permission to advance the HLIS, officers said at Para 3.4 of the report (emphasis added):

*“Development sites that have recently been permitted in the local area, including along or in the vicinity of Hamble Lane, reinforce the need for additional capacity so as to accommodate both existing and forecast future traffic along Hamble Lane. Given that Hamble Lane **is already largely operating at or above capacity in the peak hours**, further traffic demand would be likely to contribute to additional congestion and peak spreading, whereby the congestion is experienced for a longer period of time in both the morning and evening peak periods.”*

In its second public consultation information pack published on 3 September 2018 on the proposed HLIS the highway authority described the situation on Hamble Lane as follows (emphasis added and please note the use of the term 'severe' to describe the current situation):

*“At peak times, **junctions on Hamble Lane are at maximum capacity**, which can cause **severe journey time delays** for residents and commuters.”*

In a further report to the Executive Member on 12 March 2019 following public consultation on the HLIS proposals the officers report said at Para 3.1 (emphasis added):

“Hamble Lane is heavily congested throughout much of the day but particularly during peak periods, with the potential to improve the situation being limited by the geographical constraints associated with the peninsula location.”

It went on to say at Para 3.2:

“There is a clear need to for (sic) an improvement to help address existing traffic problems and to help manage future demand associated with background growth. It is considered that additional development along the corridor would compound the existing problems and would negate the benefits of the Scheme, with very limited opportunity to make further improvements to the corridor in future. Therefore until at least the preferred Scheme for the northern section has been implemented, it is considered inappropriate from a traffic perspective for further development to be allocated or permitted along Hamble Lane.”

The prior position of the highway authority is therefore unequivocally that it considers Hamble Lane to be heavily congested; that several of the key junctions operate over capacity; and that an extensive scheme of improvements is required before any further additional traffic from development can be acceptable. This analysis is fully supported by the Inspector’s report from the most recent and significant appeal decision relating to Hamble Lane, GE Aviation (APP/W1715/W/20/3255559). In dismissing the appeal in early 2021, the Inspector reported his view that Hamble Lane was already congested, noting that it was ‘common ground’ that four of the junctions on Hamble Lane operated above capacity (in the technical sense) even before the impact of traffic from the proposed development was introduced into the relevant modelling. He concluded that the current state of traffic on Hamble Lane is such that even with the level of mitigation proposed for the GE Aviation development the cumulative impact of additional development traffic would be unacceptable.

In determining this application the local planning authority will apply the policies of the NPPF which states that:

110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is the settled interpretation of the NPPF that the responsibility for demonstrating to the local planning authority that a proposal satisfies these requirements lies with the applicant through the submission of evidence in the form of a TA, in this case as part of the Environmental Statement.

The TA provided with the Cemex application does not demonstrate that the application will not have a severe impact on the road network; in fact it does not even attempt to do so.

The TA provides some data on traffic flows on Hamble Lane and provides a good deal of boiler plate discussion of relevant policies and background considerations. However, this should not distract from the simple underlying assumption which the TA is asking the local planning authority to accept. The applicant's case is no more sophisticated than to assert that because 144 additional HGV movements on Hamble Lane will be a small percentage addition to the existing total volume of traffic,

the applicant does not need to carry out any actual analysis of the impact of its proposal on the local road network. Effectively the purpose of the TA is seek to persuade the local planning authority that no proper assessment the impact of development is required.

Specifically, the TA contains no modelling of the impact on any of the junctions north of the proposed development access except that at Hound Road/Hamble Lane. It makes no assessment of the way in which HGV movements will impact on the operation of junctions already described by the highway authority and the GE Inspector as operating over capacity. This means that the TA clearly and unequivocally fails to assess the impact of the proposed development on the local road network. To be credible as an evidential document the TA should have examined the operating capacity of all of the junctions north of the proposed new access up to and including the Windhover roundabout which will bear the full load of additional vehicle movements (according to the TA itself). It is not necessary for us to speculate on why such analysis was not carried out or what pre-application advice might have led to the conclusion that it was not required. The fact is that it was not, and this is a fundamental flaw in the TA.

The local planning authority should not give credence to the applicant's argument that the impact of the additional traffic is, in effect, 'de minimus' and that it cannot therefore be 'severe'. As the Inspector hearing the GE Aviation appeal made clear in his report there is no definition in the NPPF or Planning Practice Guidance of the term 'severe'. It is intended that it be considered in the circumstances of each application. It is wrong, as the applicant does, to suggest that Institute of Environmental Management and Assessment categorisation has any relevance to determining whether the impact of the application can be determined as 'severe'. Neither the NPPF nor Planning Practice Guidance recognises any such categorisation.

It is also incorrect to suggest that a small change in circumstances cannot be considered a severe impact for the purposes of the NPPF test in Para 111. The NPPF is explicit that consideration should be given to 'cumulative residual impacts' and logically there cannot be any minimum cumulative unit which has to be exceeded before its impact needs to be considered.

Where the existing road network has been objectively determined to be 'heavily congested' and under pressure sufficient to warrant major investment, any impact must be given proper consideration in the light of the local situation and excluded by way of evidence that it is in fact not significant, or by way of mitigation if it is. This is indeed the highway authority's own current policy position as set out in the March 2019 Executive Member report. Despite copious evidence that the TA must assess all of the junctions on Hamble Lane to test the impact of HGV movements Cemex has chosen not to do so. The only reasonable explanation is that the applicant does not wish to put the results of such an analysis before the local planning authority. It cannot, however, make its escape by this route because this absence of evidence is a fundamental flaw in the TA which must lead you to refuse the application.

Without evidence that the impact of 144 daily HGV movements through those junctions will not add further harm to an already heavily congested local road network, the local planning authority cannot conclude that the application should be permitted.

Turning to the question of whether the application could proceed by way of mitigation, the highway authority has advised the Parish Council that the HLIS will cost in excess of £15million to implement and that it holds funds of £2million. A financial contribution which would meet the test required for planning obligations cannot be sufficient to enable the HLIS to proceed, and on that basis the application is simply incapable of meeting the requirement of the NPPF in Paragraph 110 (d).

This position is exactly that considered by the inspector in the GE Aviation appeal, where he dismissed the highway authority's (then) support for the application subject to a financial contribution to the HLIS, suggesting that even with such a contribution there was no prospect of the HLIS actually coming forward. He concluded that a financial contribution cannot represent NPPF compliant mitigation of the impact of development if that contribution will not be, indeed cannot be, processed into works on the ground on a reasonable timetable.

In summary, given the stated position of the highway authority that Hamble Lane is 'heavily congested' the approach taken in the TA is fundamentally flawed. It simply assumes what it purports to demonstrate and thereby provides no information whatsoever to satisfy

the local planning authority as required by the NPPF at Para 111 that the impact of additional traffic on a road will not be 'severe'.

The Parish Council also draws attention to the fact that the design proposals for the new priority junction do not take account of the new requirements of the Highway Code and the principle that the road user with most potential to cause harm must do most to reduce risk. The proposals have not considered the implications for congestion of giving crossing priority to pedestrians and cyclists using the Dani King Cycleway which will require HGVs to 'give way' on both access and egress turns, nor of the safety of those pedestrians and cyclists, many of whom are children on their way to and from school.

Reason for Objection 2 – Proposals for Restoration and Management

Consultation responses from Natural England, Eastleigh Borough Council and the County Council's own ecology team have identified deficiencies in the surveys and baseline data for habitats and biodiversity provided in support of the application. The Parish Council aligns itself with the comments of these consultees and draws the attention of the local planning authority to the significance of their representations. Based on those considerations alone the local planning authority may have grounds to refuse the application outright. It certainly has grounds to do so when considering the general policy requirements of the HMWP.

The Parish Council specifically objects to the proposals for restoration and management of the site on the basis that, inter alia, these fail to satisfy the requirements of Policy 3 of the HMWP which states that:

Minerals and waste development should not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species.

The following sites, habitats and species will be protected in accordance with the level of their relative importance:

a. internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any sites

identified to counteract adverse effects on internationally designated sites, and European Protected Species;

b. nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;

c. local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves;

d. habitats and species of principal importance in England;

e. habitats and species identified in the UK Biodiversity Action Plan or Hampshire Authorities' Biodiversity Action Plans.

Development which is likely to have a significant adverse impact upon such sites, habitats and species will only be permitted where it is judged, in proportion to their relative importance, that the merits of the development outweigh any likely environmental damage. Appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.

The quarrying of Hamble Airfield will affect every part of the landscape and habitat of the site. The fact that it will be destroyed in phases does not alter the fact that on completion of gravel extraction the whole of the site as it exists today will have been lost. The consultation response from Natural England raises the prospect that Hamble Airfield must be assessed as being within the most sensitive of the categories identified by HMWP Policy 3 given its proximity to SPA and Ramsar sites on the Hamble Peninsula. As with the evidence on highway impacts, the Parish Council reminds the local planning authority that it is the applicant who must provide evidence that their application meets all relevant requirements and in the absence of such evidence permission should be refused.

The Cemex application does not meet the requirements of this policy or relevant policies of the HMWP and NPPF, in that it proposes only a five-year post completion management programme with inadequate detail about who will be responsible for its implantation, monitoring and evaluation. The local planning authority cannot be satisfied by the proposals submitted that restoration compliant with relevant policies can or will take place.

The principle of 'biodiversity net gain' (BNG) established in the Environment Act 2021 will apply as a matter of law to all planning applications from late in 2023. It is acknowledged that the legal requirement does not apply to the Cemex application. However, the proposed operation of BNG sets a clear precedent of how the government considers restoration of habitat should take place and we consider that this has substantial weight as a planning consideration even before the legal position changes in addition to the statutory duty of the local planning authority to promote biodiversity objectives more broadly. Environment Act 2021 compliant BNG will require a minimum of 30 years retention and active management. The suggestion of a five-year post completion programme with no guarantee of retention beyond this date is therefore completely inadequate. In their generic proposals document Cemex have provided no local details of whom, how, or using what regime the restoration of the site will take place or how it will be secured, evidence of their lack of attention to the detail of the site.

This should be of particular concern to the local planning authority given that the site is owned by Persimmon Homes who have previously sought the allocation of part of the site for residential development in the Eastleigh Borough Council Local Plan. Whilst the site is safeguarded for mineral extraction residential development is unlikely to be allocated or development permitted. However, it will be apparent that the restoration proposals submitted by Cemex are carefully differentiated into a more complex northern section with drainage and water management features, and an uncomplicated flat southern portion. Previous development proposals from Persimmon have focussed on this southern area.

We acknowledge that the local planning authority can only consider the application before it today. However, unless the restoration proposals are secured through legal agreement in such a way as to secure their intended outcome in both geographic and temporal extent then they cannot meet the HMWP or NPPF policy requirements. The Cemex application will not ensure that restoration works are properly managed or secured long term. On this basis that are not consistent with the policy requirements of the HMWP or NPPF and cannot be considered acceptable.

To be clear, that the Parish Council is not arguing that it would be appropriate for the local planning authority to seek to directly thwart future development proposals by the imposition of conditions or planning obligations. It is arguing that unless the local planning authority can impose conditions and/or planning obligations which ensure that the requirements for mitigation and compensation are maintained in their entirety for at least 30 years and not 'overwritten' by subsequent planning decisions, then it will have failed to secure the mitigation or compensation necessary to render this application acceptable and therefore the application must be refused.

The Parish Council also draws attention to the widespread and routine recreational use of the site by the local community, particularly for dog walking. Although the applicant correctly states that this use is unauthorised, it is incorrect to then argue, as it does, that this ensures it is irrelevant for planning purposes. Removing access to an existing site of 60 hectares will inevitably displace most of the existing recreation use to other sites including those within the Solent SPA. The practical effect is therefore the same as additional residential development on a site which lies within the scope of the Solent Recreation Mitigation Strategy (SRMS) adopted by the Partnership for South Hampshire (including Hampshire County Council) in 2017. The effect of the SRMS is to establish that development which creates an additional recreational impact on the Solent SPA is unacceptable in planning terms unless adequately mitigated. Cemex have made no proposals for such mitigation and on this represent an additional basis on which the application should be refused.

Reason for Objection 3 – Environmental Impacts

The Parish Council notes the concerns raised by other consultees thus far regarding the proposals to ensure that there are no impacts on local residents which go beyond those which would be acceptable in accordance with the NPPF and Planning Practice Guidance. The Parish Council defers to the technical expertise of those organisations and makes its concerns known in the following terms:

Flood Risk

The flood risk assessment submitted with the application does not provide sufficient reassurance that the gravel extraction process and restoration proposals will not increase the risk of flooding to roads and property in the vicinity of the site. In particular the introduction of large volumes of compact and impermeable material as in-fill, replacing free draining sand and gravel, must lead to a profound change in the way in which the site responds to surface water. The applicant has provided no material evidence in support of the assumptions made in its flood risk assessment regarding infiltration rates and invites the local planning authority to simply accept that the measures proposed will provide sufficient assurance of no damaging impacts. We note that the lead local flood authority considers that the information submitted with the application is inadequate and has requested further details from the applicant.

Flooding has a devastating impact on homes and the well-being of those affected by it and the duty at Para 167(d) of the NPPF to ensure that residual flood risks are properly managed. The fact that Hamble Airfield is currently located in an area of low flood risk is not the primary concern with this application – the primary concern is to ensure that it remains that way.

Air Quality

A formal Air Quality Management Area (AQMA) has been declared for the area of the Hamble Lane corridor between the Portsmouth Road junction and the Windhover Roundabout. Eastleigh Borough Council has already identified concerns regarding the assessment of air quality impacts and requested that further details be obtained from the applicant. The Parish Council notes that the application provides no details of the type or nature of the HGVs that Cemex will permit to access the site and thus no location specific controls (just bare legal requirements) on their emissions.

The local planning authority must be satisfied that there will be no further detriment to air quality as a result of the proposed development and the

information submitted so far is clearly insufficient to provide any reassurance that this will be the case.

Noise

The local planning authority has the benefit of advice from its own experts, as well as from Eastleigh Borough Council and a number of local residents with knowledge of noise assessment methodology. All of the informed consultation responses on this topic have pointed out deficiencies or potential deficiencies in the methodology and findings of the noise assessment provided by Cemex. Unless Cemex can address all of the issues raised it will not be possible to conclude that noise impacts from the site, including those affecting sensitive receptors such as the secondary school and protect habitat will not be subject to unacceptable increase in noise level.

The Parish Council draws attention (as others have done) to the fact that the application fails to make any assessment of the noise level associated with HGV's as they enter and exit the site, and it is not clear from the applicants Environmental Statement what assumptions have been made regarding the assessment of vehicle noise during on site activities.

Dust

Dust management is essential to minimise the possible impact on human health of dust particles arising from the extraction, processing and transportation of sand and gravel, as well less serious nuisance caused by dust blowing into roads and sensitive receptors. The Parish Council acknowledges that relatively simple dust management techniques may be capable of managing the on-going risk associated with dust but is not satisfied that this has yet been adequately assessed and any abnormal risks taken into account.

In particular we note that the 'wind rose' used to plot potential dust spread from the site is based on wind pattern evidence from Southampton Airport. Whilst this might be acceptable for some purposes where site conditions are unlikely to have their own impact, it

is clearly not acceptable for a site as large as Hamble Airfield which has sufficient scale to produce unique local conditions.

Site Layout and Management

The Parish Council does not consider that the approach taken to the provision of buffer zones between sites operations and neighbouring properties, including the provision of bunds where proposed, is acceptable.

The applicant's general approach has been to draw buffer zones to the narrowest possible margins so as to maximise the area from which extraction can take place without providing evidence of why that particular distance is acceptable. The Parish Council notes Para 5.5 of the supporting text to Policy 10 of the HMWP which says:

“It is standard practice in Hampshire for operational mineral extraction and inert waste recycling sites to have a minimum buffer zone of 100 metres, where appropriate, from the nearest sensitive human receptors, such as homes and schools, though this distance will be reviewed on a case-by-case basis.”

Whilst we acknowledge that the distance required for a buffer zone must be related to that which is necessary for its effectiveness, we look to the local planning authority to ensure that the precautionary approach which is described in the HMWP is adopted in practice to assessing the adequacy of the Cemex application.

Conclusion

The Parish Council asks the local planning authority to note its **OBJECTION** to the Cemex application above and consider all of the points raised in this and any subsequent correspondence to ensure that they properly inform the planning judgement that may be reached in due course.

The Parish Council reserves the right to submit further detailed comments on consultation responses and additional material or evidence submitted by the applicant prior to the application being

determined. The Parish Council also places on record its readiness to participate constructively in discussions to address the concerns that it has raised.

Yours sincerely

Amanda Jobling

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